

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
WESTERN DIVISION

FILED 17. 05 JUN 24 PM 4. 5.
U.S. DISTRICT COURT
WESTERN DISTRICT OF TENNESSEE
MEMPHIS

RHODNEY ROBERSON,
Petitioner,
vs.
DAVID MILLS,
Respondent.

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No. 05-2434-Ma/P

ORDER TRANSFERRING CASE PURSUANT TO 28 U.S.C. § 2241(d)

Petitioner Rhodney Roberson, Tennessee Department of Correction prisoner number 210863, an inmate at the West Tennessee State Penitentiary ("WTSP") in Henning, Tennessee, filed a pro se petition pursuant to 28 U.S.C. § 2254 on June 15, 2005, along with an application seeking leave to proceed in forma pauperis. Because the case is being transferred, the filing fee issue will be left to the transferee court. The Clerk shall record the respondent as WTSP warden David Mills.

Twenty-eight U.S.C. § 2241(d) provides:

Where an application for a writ of habeas corpus is made by a person in custody under the judgment and sentence of a State court of a State which contains two or more Federal judicial districts, the application may be filed in the district court for the district wherein such person is in custody or in the district court for the district within which the State court was held which convicted and sentenced him and each of such district courts shall have concurrent jurisdiction to entertain

the application. The district court for the district wherein such an application is filed in the exercise of its discretion and in furtherance of justice may transfer the application to the other district court for hearing and determination.

It is the practice of the federal district courts in Tennessee that all § 2254 petitions are to be heard in the district in which the conviction was obtained.

In this petition, Roberson is challenging a sentence that was obtained in the Gibson County Circuit Court. Gibson County is in the Eastern Division of the Western District of Tennessee. 28 U.S.C. § 123(c)(1).

Therefore, it is hereby ORDERED, pursuant to 28 U.S.C. §§ 1406(a) and 2241(d), that this case is TRANSFERRED, forthwith, to the Eastern Division of the Western District of Tennessee.

IT IS SO ORDERED this 24th day of June, 2005.



SAMUEL H. MAYS, JR.
UNITED STATES DISTRICT JUDGE



Notice of Distribution

This notice confirms a copy of the document docketed as number 3 in case 2:05-CV-02434 was distributed by fax, mail, or direct printing on June 27, 2005 to the parties listed.

Rhodney Roberson
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00210863
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P.O. Box 1150
Henning, TN 38041--115

Honorable Samuel Mays
US DISTRICT COURT